

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mark F. Smith on January 29, 2009.

3. The application has been amended as follows:

- a. Please amend Claim 1 so that from Line 5 to the end of the claim it recites:

**placing a surfactant along the surface of said substrate such that
the surfactant covers at least a portion of said image;
wherein said surfactant is deposited on said substrate such that
said surfactant is released at a slow rate for distributing said surfactant
along the skin of a user;
wherein the image indicates the quantity or the continuing
effectiveness of said surfactant.**

- b. Please amend Claim 7 so that Lines 7-9 of the claim recite:

**wherein said surfactant is deposited on said substrate such that
said surfactant is released at a slow rate for distributing said surfactant
along the skin of a user;**

- c. Please amend Claim 17 so that Line 3 of the claim recites:

fiber, a polyurethane foam, and woven and

- d. Please make the following spelling corrections to the specification:

- i. On Page 4, Line 19, it should recite

vegetable oil based printing ink

- ii. On Page 11, Line 20, it should recite

**invention, an article 100 having the desired surfactant 104,
such as a lathering surfactant,**

- e. Please note that Claim 1, which was previously withdrawn from consideration under 37 CFR § 1.142, has been rejoined.

Election/Restrictions

4. Claim 7 is directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), Claim 1, directed to the process of making an allowable product that was previously withdrawn from consideration as a result of a lack of unity finding, is hereby rejoined and fully examined for patentability under 37 CFR 1.104.

5. Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on July 3, 2007 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, Applicants are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

6. Claims 1 and 7-25 are allowed.

Examiner's Statement of Reasons for Allowance

7. The following is an examiner's statement of reasons for allowance: Based upon the amendments made to the claims in the amendment filed on November 6, 2008, the U.S. Patent Application Publication of Forest et al. (2002/0022008; hereinafter "Forest") is now the closest prior art to that which is claimed in the instant application. However,

Forest fails to teach or suggest an article having an image applied to the surface of a substrate, and a surfactant placed along that surface, covering at least a portion of the image, such that the surfactant is released at a slow rate for distributing the surfactant along the skin of the user.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Joy whose telephone number is (571) 272-9056. The examiner can normally be reached on Monday - Friday, 7:00 AM - 3:30 PM EST.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie E. Shosho can be reached on (571) 272-1123. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DJJ/
Examiner, Art Unit 1794
01/29/2009

/Callie E. Shosho/
Supervisory Patent Examiner, Art Unit 1794